

**REMARKS:**

In accordance with the foregoing, claims 78, 82-84 and 86-89 have been amended. Claims 79-81, 85, 90 and 91 have been cancelled without prejudice. New claims 94-99 are added. Claims 1-77, 92 and 93 remain cancelled. Support for the amendments to the claims can be found at least on page 4, lines 16-29; page 29, lines 18-35; page 39, line 12 through page 40, line 2 and in Figs. 26A, 26B, 27A including corresponding texts.

Thus, claims 78, 82-84, 86-89 and 94-99 are pending and under consideration.

**REJECTION UNDER 35 U.S.C. § 103(a):**

Claims 78-91 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,056,019 (Schultz) and U.S. Patent No. 4,949,256 (Humble).

The Examiner maintains the comparison of Schultz that only calculates reward offers after a purchase and at prescribed periods with the claimed invention. However, as stated by the Examiner, col. 8, lines 42-65 of Schultz explicitly states:

**"Periodically, usually monthly,** the consumer history files are used to create statement records 10a. The information in the statement records 10a is processed according to a mailer program 10b and sent to a printer 10c. With the formatted information, the printer produces a status report 17 for the consumer 19.

The status report 17 informs the consumer 19 of all his purchases of reward products 28. The status report 17 also indicates the number of additional purchases of each reward product 28 necessary to receive a reward as well as the reward amounts that have already been earned. In addition, the status report 17 informs the consumer 19 of the other product rewards available toward which the consumer 19 has made no purchases.

The consumer history records 12 store all the reward product transaction data 30a for each consumer 19. Using the control files 5 and the offer files 6, each consumer history record is processed to determine if the consumer 19 has made the required purchases to receive rewards. From this information, a reward certificate 18 is produced for the amount of all the rewards earned by the consumer 19.

The reward certificate 18 is sent to the consumer 19 with the **monthly status report 17"** (emphasis added).

(col. 8, lines 42-65 of Schultz)

As can be seen from the above discussion, Schultz is limited to providing the status report periodically or on a monthly basis. For the above-discussed reason, the Examiner does not appear to have established a prima facie case of obviousness. For this reason it is requested that the rejection be withdrawn.

In particular, as also explicitly stated at col. 7, lines 60-67, determination of the rewards indicated in the status report of Schultz is executed "periodically, usually weekly, [when] the purchase records 30 residing in the PMCS data receiver 7 are compared with the offer records in the offer file 6 to determine which purchases correspond to an available purchase reward offer 2" and are only provided to the customer in association with a purchase.

Moreover, Schultz requires use of bar-coded membership cards for tracking purchases of consumers (see, col. 4, line 64 through col. 5, line 7 and col. 7, lines 60-64) and manufacturers are limited to only providing incentive rewards for purchases of their products at periodic times or upon purchases (see, col. 4, lines 56-63). That is, Schultz is limited to providing status of the customer's rewards on a periodic basis and upon presentation of the membership card, and thus, does not teach or suggest use of the rewards as an incentive for future purchases.

Similar to Schultz, Humble processes coupons presented by customers using cards that uniquely identify the customers' coupon accounts. In Humble, each participating customer is issued an identification card (96) identifying the particular customer, and after the card (96) is read to identify the customer, the customer may feed coupons into coupon reader (92) for calculation of the coupon credits to the customer's coupon account (see, col. 7, lines 15-26). That is, similar to Schultz, Humble requires reading of the identification card and does not teach or suggest use of the rewards as an incentive for future purchases.

In contrast to Schultz and Humble, the claimed invention provides an incentive to customers to execute transactions when the customers log on to the system by notifying the customers of the current cumulative points (i.e., the customers are likely to purchase when provided with a display of available points).

Independent claim 78, by way of example, recites calculating "a balance point of said customer according to transactions made by said customer", identifying the customer "according to customer identification information obtained from said terminal via said communication link" and sending "information regarding said balance point of said customer calculated by said point calculation unit to said terminal via said communication link after said customer is successfully identified by said customer identification unit and prior to completing a possible transaction."

Independent claim 89 recites, "calculating a balance point of said customer according to transactions made by said customer responsive to added and/or subtracted points according to the transactions", "identifying said customer according to customer identification information" and

“sending information regarding said balance point of said customer to said terminal after said customer is successfully identified and prior to completing a possible transaction.”

Schultz and Humble, alone or in combination, do not teach or suggest the above-discussed features of the independent claims including sending “information regarding said balance point of said customer to said terminal after said customer is successfully identified and prior to completing a possible transaction” upon identification of the customer as recited in each of the independent claims.

It is submitted that the independent claims are patentably distinguishable over Schultz and Humble.

For at least the above-mentioned reason, claims depending from the independent claims are also patentably distinguishable. The dependent claims are also independently patentable. For example, as recited in claim 83, “a selection unit to enable the customer to select a required genre of service” and sending “information regarding said services belonging to said genre said customer selected, points required for each service and points additionally required to receive said each service.” Claim 87 recites similar features.

Schultz and Humble, alone or in combination, do not teach or suggest the above mentioned features of claims 83 and 87 including providing “information regarding said services belonging to said genre said customer selected, points required for each service and points additionally required to receive said each service.”

Therefore, withdrawal of the rejection is respectfully requested.

#### **NEW CLAIMS:**

New claim 96 is added to recite, “a point calculation unit to calculate a balance point according to transactions made by said customer and to store said calculated balance point of said customer” and “a customer identification unit to identify said customer according to customer identification information obtained from said terminal via said communication link.” New claim 96 further recites sending information “regarding said balance point of said customer... to said terminal via said communication link after said customer is successfully identified by said customer identification unit and prior to completing a following transaction.”

New claims 97 and 98 recite, “identifying a customer” and “sending balance point of said customer to said terminal prior to a transaction made using said terminal in an event that said identification is succeeded.”

New claim 99 has been added to recite, "calculating a balance of points based on transactions of a customer, said calculating including adding and subtracting points related to executed transactions of the customer" and "providing the balance of points immediately subsequent to identifying the customer based on entry of identification data regardless of whether the customer desires to execute a transaction."

The cited references do not teach or suggest the above-discussed features including sending information of calculated "balance points" of a customer upon identifying the customer "prior to completing a following transaction" (claim 96), "in an event that said identification is succeeded" (claims 97 and 98) and "immediately subsequent to identifying the customer based on entry of identification data regardless of whether the customer desires to execute a transaction" (claim 99).

Therefore, it is submitted that the new claims are patentably distinguishable over the cited references.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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